

# Notice of Allowability

Application No.

10/658,706

Examiner

Alain L. Bashore

Applicant(s)

KRUEGER, WALLACE F.

Art Unit

1792

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 10-18-07.
2. ☒ The allowed claim(s) is/are 118-120.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All b) ☐ Some\* c) ☐ None of the:
    1. ☐ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
  5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
    - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
      - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
    - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

## Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO/SB/08), Paper No./Mail Date \_\_\_\_\_
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date \_\_\_\_\_
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_

**ALAIN L. BASHORE**  
**PRIMARY EXAMINER**

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 10-18-07 has been entered, but the claim set filed 10-18-07 has not been entered, but is superseded by the examiner's amendment below.

### ***Response to Arguments***

2. Applicant's arguments, see pages 1-3, filed 10-18-07, with respect to the rejection of record and the examiner's amendment below have been fully considered and are persuasive. The previous rejections have been withdrawn.

3. The claim set filed 10-18-07 is incorrect because underling was omitted from newly added recitations for claim 118. A complete claim set, corrected and with addition amendment by the examiner is given below.

### EXAMINER'S AMENDMENT

4. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Mr. Schaub on 12-17-07.

**The application has been amended as follows:**

118. (Previously Presented) A method for applying a fluid to an object comprising:

providing a fluid in a container, said fluid to be applied to said object;

providing an applicator tip to apply said fluid to said object, said applicator having an application surface for applying said fluid to said object;

supplying said fluid from said container directly to said applicator tip through a small diameter tube, said fluid only coming into contact with said small diameter tube as said fluid is supplied from said container to said applicator tip; said small diameter tube having a diameter from about 1/16 to about 5/16 of an inch, one end of said small diameter tube extending into said container and being in fluid communication with said fluid in said container and other end of said small diameter tube being in contact with said application surface of said

applicator tip whereby said fluid is supplied from said container directly to said applicator surface; and

pumping said fluid from said container to said applicator surface by a pump that engages the exterior surface of said small diameter tube whereby said fluid only contacts said container, said small diameter tube, said applicator surface and said object, where a band of liquid material is applied to a marginal surface of said object.

119. (Previously Presented) The method of claim 118 in which said small diameter tube can be removed from said container, said pump and said applicator tip during cleaning as said fluid only contacts said small diameter tube as said fluid is supplied from said container to said applicator surface.

120. (Previously Presented) The method of claim 118 in which said pump engages and constricts said small diameter tube when said fluid is not being pumped whereby said pump acts to restrict the flow of said fluid in said small diameter tube when said fluid is not being pumped.

***Allowable Subject Matter***

5. Claims 118-120 are allowed. The drawings filed 9-8-03 are acceptable.

***Reasons for allowance***

6. The following is an examiner's statement of reasons for allowance:

The present invention includes independent claim 118. Claim 118 recites a method for applying a fluid to an object.

Johnson is considered the closest prior art. Johnson discloses a method for applying a fluid to an object including providing a fluid in a container, providing an applicator tip (having applicator surface) to apply fluid. The fluid is supplied through a small diameter tube being in fluid communication between the container and tip. The fluid is pumped by a pump.

Johnson does not disclose the claimed combination including:

providing an applicator tip to apply said fluid to said object, said applicator having an application surface for applying said fluid to said object;

supplying said fluid from said container directly to said applicator tip through a small diameter tube, said fluid only coming into contact with said small diameter tube as said fluid is supplied from said container to said applicator tip; said small diameter tube having a diameter from about 1/16 to about 5/16 of an

inch, one end of said small diameter tube extending into said container and being in fluid communication with said fluid in said container and other end of said small diameter tube being in contact with said application surface of said applicator tip whereby said fluid is supplied from said container directly to said applicator surface; and

pumping said fluid from said container to said applicator surface by a pump that engages the exterior surface of said small diameter tube whereby said fluid only contacts said container, said small diameter tube, said applicator surface and said object, where a band of liquid material is applied to a marginal surface of said object.

For these reasons claim 118 is deemed to be allowable over the prior art of record, and claims 119-120 are allowable by dependency.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

**Conclusion**

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alain L. Bashore whose telephone number is 571-272-6739. The examiner can normally be reached on about 7:30 am to 5:00 pm (Mon. thru Thurs.).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Timothy Meeks can be reached on 571-272-1423. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Alain L. Bashore/  
Primary Examiner  
Art Unit 1792